

TOWN OF DAVIE  
UNITED RANCHES PRESERVATION COMMITTEE  
MARCH 17, 2014

**1. ROLL CALL**

The meeting was called to order at 4:09 p.m. Board members present were Ivan Gonzalez, Pat Mason, Toby Perkins, and Ben Wesley. Also present were Planning and Zoning Manager David Quigley, Deputy Planning and Zoning Manager David Abramson, Lorraine Robinson (Secretary), Town Administrator Richard Lemack, Mayor Judy Paul, Chief Patrick Lynn, and Town Attorney John Rayson. Carolyn Gill was absent.

Also present in the audience were Vice-Mayor Caletka, Councilmembers Hattan and Starkey, and Assistant Town Attorney Daniel Stallone.

**2. SELECTION OF CHAIR AND VICE CHAIR**

**Motion** made by Mr. Mason for Ms. Perkins as Chair and Mr. Wesley for Vice Chair. Motion died for lack of a second.

**Motion** made by Mr. Mason, seconded by Mr. Gonzalez, for Mr. Wesley for Chair. In a roll call vote, the vote was as follows: Mr. Gonzalez - yes; Mr. Mason - yes; Ms. Perkins - yes; Mr. Wesley - yes. **(Motion carried 4-0)**

**Motion** made by Mr. Mason, seconded by Mr. Gonzalez, for Ms. Perkins as Vice Chair. In a roll call vote, the vote was as follows: Mr. Gonzalez - yes; Mr. Mason - yes; Ms. Perkins - yes; Mr. Wesley - yes. **(Motion carried 4-0)**

**3. MOTION TO EXCUSE COMMITTEE MEMBERS**

**Motion** made by Mr. Mason, seconded by Mr. Gonzalez, to excuse Carolyn Gill's absence. In a voice vote, the motion passed unanimously. **(Motion carried 4-0)**

**4. ITEMS FOR CONSIDERATION**

4.1 Review "Government in the Sunshine" Pamphlets

Mr. Quigley referred the Committee members to a video that he sent by email, and asked them to send the acknowledgement to the Town Clerk. He advised the Committee to stay on topic.

4.2 Review Role of Advisory Committee - not addressed

4.3 Consideration of Town Zoning Standards for United Ranches area - David Quigley, Planning and Zoning Manager

Mr. Quigley reminded the Committee that United Ranches was annexed by the Town in 2006 and retains its A-1 County zoning with a few exceptions. Over the last several years, the Town has made zoning changes and has to ensure that the Town's vacant lands are not taken off the tax rolls. The Town also has to make sure that those neighborhoods maintain their compatibility. Due to the County's zoning, the Town's standards are not yet applicable to this area.

Mr. Quigley directed the Committee's attention to the three recommendations at the bottom of the page of his attached memo. He also pointed out relevant materials in the agenda backup.

Mr. Quigley answered a question about grandfathering in certain nonconforming uses or structures, noting it would depend on the situation.

Chair Wesley was curious what the trigger was for this discussion, and Mr. Quigley replied that they had a zoning determination letter for a community residential group home. He explained the licensing particulars with regard to County versus State codes, and said that the home was not prohibited

TOWN OF DAVIE  
UNITED RANCHES PRESERVATION COMMITTEE  
MARCH 17, 2014

per zoning. Mr. Quigley reported that until the Town Council approves an ordinance, they set up a “zoning in progress;” such a zoning request could be refused in the meantime.

Chair Wesley suggested a moratorium, but Mr. Quigley advised that a moratorium would have to go through a long process itself and felt that the “zoning in progress” achieved the same purpose. Mr. Quigley continued that the reason for this meeting is to gauge the pulse of the community for the “final fix,” which would be to rezone the area to the Town of Davie standards.

There was a brief discussion regarding the authority of this Committee, and Mayor Paul stated that this Committee is like the Planning and Zoning Board for United Ranches. Any matter related to zoning comes before this Committee before going to the Town Council.

Chair Wesley recounted the history of United Ranches becoming connected to the Town of Davie.

Mr. Rayson said that the Town is concerned because of the number of group facilities “popping up.” He said United Ranches should decide if they desire protection that is incorporated into the Town’s zoning code. Mr. Rayson read the agreement between United Ranches annex and the Town of Davie. He said that the old A1 zoning allows group facilities in the community whether or not the community wants them. Mr. Rayson reiterated that the community needs to decide if they want the benefit of protection.

Chair Wesley expressed concern about any unintended consequences of applying blanket rezoning, such as some uses becoming easier to enact. He would consider a hybrid situation.

Mr. Quigley brought up the February 13, 2014, letter regarding a house on 11001 54 Street, and pointed out the location on a map.

Chair Wesley asked if the existing home on 108 Street would be affected; Mr. Quigley replied that the property on 108 Street is owned by the State and is in a different situation. Mr. Quigley elaborated that staff used every legal means necessary to prevent a group home being in the wrong place, but the County zoning at that time was very permissive for nonprofits.

There was a question regarding a particular fence in the community. Mr. Quigley described the regulations pertaining to fences in the Rural Lifestyle area:

- Open, see-through, no walls or shadow-box type in front yard, four-foot height limit, natural materials
- More relaxed rules within building footprint

He added that the Rural Lifestyle regulations are identified through the Town of Davie R-1, AT and A-1 districts. Mr. Rayson stated that whatever exists now would stay. Going forward a fence would follow under the code. It was noted that if the area had Davie zoning, they would have to obtain a variance for that fence.

Mr. Quigley addressed the regulations pertaining to group homes, noting that certain group homes (six or fewer) in certain licensing categories are completely exempt - the Town cannot enforce those. The determination request letter previously referenced suggested the home would have no more than eight clients. Mr. Quigley elaborated that the State has criteria for six or fewer clients of certain licensing categories: elderly, children, and people with special needs. The Town has zoning requirements for group homes up to eight clients, using the same licensing categories; there are other types of facilities that are larger. He said the particular rehabilitation activity (drug and alcohol) is not regulated by the State with a licensing category.

Mr. Rayson did not think the ADA gives homes like that a special protection from local authority. He thought that Florida State law limits the community residential facility to six residents; he pointed out that the letter also stated they intended to lease the property as of March 1, 2014.

Mr. Quigley noted that in any institutional type setting, increased codes for fire and safety would apply; Mr. Rayson added it is in the early stages of progress and did not know if the Fire Department had even visited the site yet.

TOWN OF DAVIE  
UNITED RANCHES PRESERVATION COMMITTEE  
MARCH 17, 2014

Mayor Paul believed the Town Council would be proactive on this matter, and whatever is drawn up will come back to this Committee for review. She referred to the annexation agreement and expressed her desire that the community maintain its lifestyle and protections.

Mr. Gonzalez wondered if the Town's A-1 zoning would be more restrictive than the County's A-1 zoning, and also mentioned the negative impacts of the existing State facility on 108 Street. Mayor Paul informed the Committee she was on a conference call with the Secretary of DCF and others about the concerns relative to that home and similar facilities. The Town will not tolerate those conditions and is seeking relief.

Mr. Rayson advised that the County A-1 zoning has no restrictions, and all types of homes are permitted. The Town's A-1 requires the homes be six or fewer, unless it is a sober home, in which case it could be bigger. The home would have to be 1,000 feet or more from another such facility, the property must have two acres, it would require a location on an arterial road, and would require rezoning to a CF.

Mr. Quigley outlined the minimum process involved in rezoning a property to a Community Facility:

- Planning and Zoning Board
- Public hearings
- First and second reading at Town Council

Mr. Rayson advised that there is language in the annexation agreement that provides protection, and he proceeded to read the selection. He further stated that if United Ranches seeks the protection of the more restrictive Town's A-1 it would guarantee grandfathering in of certain conditions in United Ranches. He acknowledged that all uses existing at the time of annexation would effectively be grandfathered, despite any changes that may be made to the code going forward.

Mr. Quigley directed the Committee's attention to Attachment "B" (Comparison of County and Town A-1 Zoning Districts) and discussed each item in the grid. He emphasized that regarding community facilities, the Town has made it as restrictive as possible, particularly in the center of neighborhoods. The Town recognizes three categories of community residential facilities, as does the County.

Mr. Quigley continued that the Town requires approval for site plans for new developments, building permits for physical changes, and business tax receipts for new businesses. Zoning determinations have to go through all three processes. Vice Chair Perkins verified that only Category 3 facilities ("All Other Facilities") would require rezoning.

Chair Wesley confirmed that there are changes in the State law under consideration, although they are too late for this session of the legislature.

Mr. Mason wondered where a seven-client home would fit in the categories, and Mr. Quigley replied that the State made sure that some of the homes that implement State initiatives would be reasonably distributed throughout the communities. The Town has expanded the State's requirements to eight clients, but it is stricter in that the homes have to meet the State licensing categories. Mr. Rayson clarified that the State statute says that a municipality may pass a more liberal ordinance, but not a more restrictive ordinance. The home under discussion was described as a "community residential home," not a "sober home."

On page 2 of the matrix, it was noted that "County code allows" should be "Town code allows."

Mr. Quigley reviewed the process involved in acquiring a special permit. He noted that the Town Council can make restrictions or deny the permit application. Mr. Rayson added that a special permit is considered a privilege and is not mandated to be granted.

Regarding kennels and animal breeding, Mr. Mason questioned allowing that in the community; he thought it was commerce. Mr. Quigley responded by saying that breeding is sometimes entwined with other agricultural uses such as equestrian or crops. The local ordinance definition of agriculture does not

TOWN OF DAVIE  
UNITED RANCHES PRESERVATION COMMITTEE  
MARCH 17, 2014

exclude dog or cat breeding, although the State does. Chair Wesley did not think that dog and cat breeding was agriculture and desired more restrictions on it. Vice Chair Perkins requested sound protection as well. Mr. Quigley said that the Town has been strengthening rules for new kennels that include sound controls. The Town does not define commercial dog breeders as selling a certain number of animals per year. Chair Wesley asked if staff could provide several versions of stronger zoning restrictions on regulating kennels. Mr. Mason thought they should distinguish between a hobbyist and a commercial breeder.

Discussion ensued about how to regulate the kennels and breeders. Mr. Quigley said it is critically important to put it in the zoning code clearly enough so that a potential owner would discover that before purchasing a property for that purpose.

Mr. Quigley continued to the last item on the matrix, "Essential Services," defining those as electric power substations, lift stations, etc. He pointed out that the term "Essential Services" might be expanded to include prisons, motor pools and other uses. Mr. Quigley favored a more descriptive terminology using Community Facilities zoning.

Chair Wesley was opposed to a veterinary office in a residential neighborhood, but did not have an issue if it were on an arterial road.

Mr. Quigley directed the Committee's attention back to the recommendations on his memo, commenting that he did not see major opposition to the first recommendation, and he asked for confirming feedback.

Vice Chair Perkins offered use of her ranch for a community outreach forum, and Town Manager Lemack reminded them it would have to be posted as a public meeting notice.

Mr. Gonzalez confirmed that Attachment "C" was the County's definition of the codes, and wondered if there was a similar document for the Town codes. Mr. Quigley could provide it, although the structure is "apples and oranges."

Vice Chair Perkins wanted the subject of fences to be discussed thoroughly in the public meeting. Mr. Quigley will check on the County rules, put together a more defined proposal, and report back at their next meeting.

Mr. Mason asked if signage notices could be put out the day before the community meeting. He hoped that something would come of their decisions. Chair Wesley commented that residents of Davie guard their freedom; enforcement does not do "sweeps," but instead responds to individual complaints.

Police Chief Lynn spoke about the difference in levels of enforcement in different neighborhoods. He stated that the police try to respond to the preferences of each community. Chief Lynn added that they will do enforcement sweeps if the community asks for that. He stated that they would act immediately on something that posed a public safety or health threat.

The Committee shared their thoughts on the recommendations, and all agreed they were beneficial.

Chair Wesley thanked the Council members and Town Administrator for attending the meeting.

**Motion** made by Mr. Mason, seconded by Mr. Gonzalez, to make a recommendation to the Town Council in support of rezoning the entire United Ranches area to the equivalent Town Zoning category, incorporating the discussion that the Committee has had here in terms of the specific uses. In a roll call vote, the vote was as follows: Mr. Gonzalez - yes; Mr. Mason - yes; Vice Chair Perkins - yes; Chair Wesley - yes. **(Motion carried 4-0)**

**Motion** made by Vice Chair Perkins, seconded by Mr. Gonzalez, to identify any key differences in zoning standards that should be preserved in the United Ranches area, subject to the discussion that the Committee has had here on the dais and with staff, and subject to the discovery of the information they are going to bring to the Committee at the next meeting. In a roll call vote, the vote was as follows: Mr. Gonzalez - yes; Mr. Mason - yes; Vice Chair Perkins - yes; Chair Wesley - yes. **(Motion carried 4-0)**

TOWN OF DAVIE  
UNITED RANCHES PRESERVATION COMMITTEE  
MARCH 17, 2014

**Motion** made by Mr. Mason, seconded by Vice Chair Perkins, to identify any forms of community outreach that should precede any rezoning action. In a roll call vote, the vote was as follows: Mr. Gonzalez - yes; Mr. Mason - yes; Vice Chair Perkins - yes; Chair Wesley - yes. (**Motion carried 4-0**)

Mr. Quigley will provide a more detailed version of the approaches to the items for the next meeting, but probably would not have time to prepare a draft ordinance. He will try to schedule the meeting for the third Monday of the month.

**5. OLD BUSINESS - None**

**6. NEW BUSINESS**

Chair Wesley requested a discussion of the deteriorating condition of the streets (and possible solutions) at a future meeting. Mr. Lemack said that since the streets belong to United Ranches, the Town does not have a budget to address their maintenance. He suggested regulating and controlling the matter themselves and offered his guidance. Chair Wesley commented they need some type of structure, like a special district, to accomplish the upkeep. It was noted that some street sections are owned by the Town.

Councilmember Starkey suggested that the only solution the Town has is code enforcement if it becomes a public safety hazard. She recommended discussing various options. In the meantime, Councilmember Starkey advised residents to call in hazardous potholes as health and safety issues.


Mr. Rayson advised putting the matter on the agenda for the next meeting.

**7. COMMITTEE MEMBER COMMENTS AND/OR SUGGESTIONS - None**

**8. ADJOURNMENT**

Upon motion duly made and seconded, the meeting was adjourned at 5:54 p.m.

Date Approved: \_\_\_\_\_

 10-6-14

  
\_\_\_\_\_  
Chair/Board Member